

STAFF REPORT
MAPC – April 27, 2023
DAB – May 8, 2023

CASE NUMBER: ZON2023-00012 (City)

APPLICANT/AGENT TCRS, LLC (applicant), BC Engineering (agent)

REQUEST: TF-3 Two-Family Residential

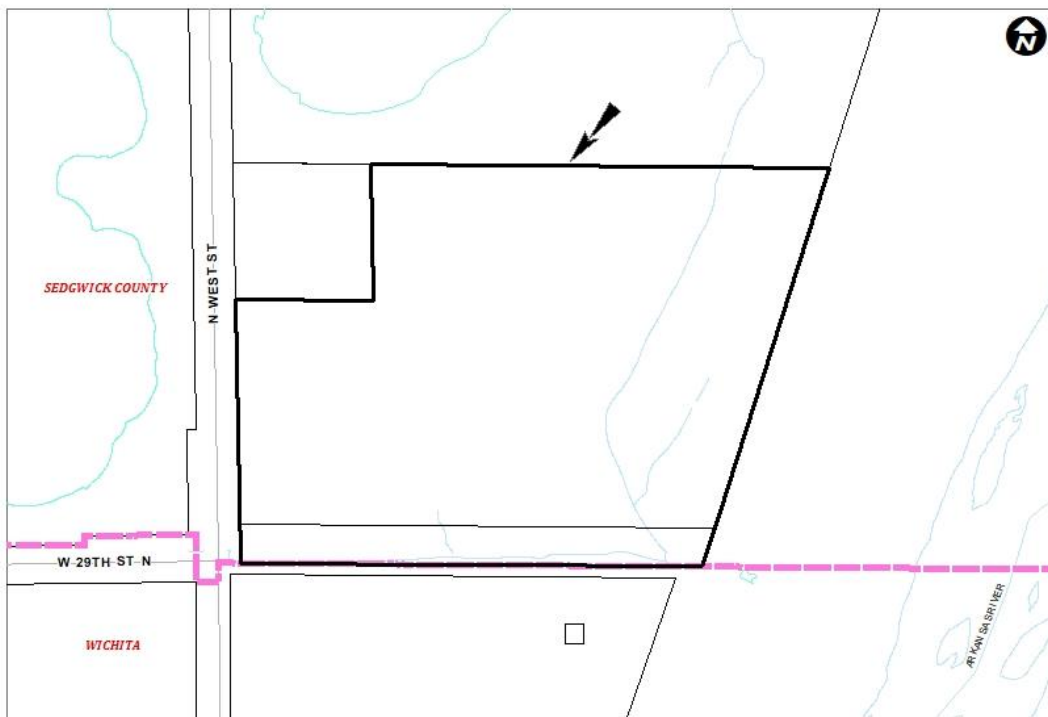
CURRENT ZONING: LI Limited Industrial and LC Limited Commercial

SITE SIZE: 31.05 acres

LOCATION: Generally located on the Northeast corner of 29th Street North and West Street (3350 N. West Street).

PROPOSED USE: Duplexes

RECOMMENDATION: Approval



BACKGROUND: The applicant is requesting a zone change from LI Limited Industrial District and LC Limited Commercial District to TF-3 Two-Family Residential District for a 31.05-acre property generally located on the northeast corner of 29th Street North and West Street (3350 N. West Street).

The applicant intends to plat the property into 94 residential lots and develop it with duplexes. TF-3 Two-Family Residential District (TF-3) accommodates Single-Family and Two-Family residential development, some Multi-Family residential development (by Conditional Use approval), and some civic uses such as churches and schools. Should this request be approved, the site will be subject to the property development standards of the TF-3 Two-Family Residential District, outlined in Section III-B.6 of the Unified Zoning Code.

The subject area has historically been characterized by industrial uses and undeveloped land along the M.S. “Mitch” Mitchell Floodway; however, a number of residential subdivisions have recently been developed in this area south of West 29th Street North.

Properties to the north and west of the subject site are developed with a sand and gravel extraction operation and are zoned LI Limited Industrial District, and LC Limited Commercial District and SF-20 Single-Family Residential District. The subject site was previously used as a transfer station for the waste produced by the extraction operation. South of the subject site is property zoned LC Limited Commercial District and SF-5 Single-Family Residential District developed with a farmstead and a wireless telecommunications facility. Abutting the subject site to its east are the Floodway and I-235 highway.

CASE HISTORY: The subject site is unplatted. In 1986, a Conditional Use was approved to permit raw material extraction on the subject property and the site to the north (CU-278). In 1995, a zone change to “E” Light Industrial with CU-381 to permit a Solid Waste Transfer Station was approved for a portion of the property (SCZ-0689 and CU-381). The approval of this zone change would no longer permit these Conditional Use operations as the TF-3 Two-Family Residential District zoning does not support them. There have been no other actions on the site.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Sand and gravel extraction
SOUTH:	LC and SF-5	Single-family residence and agriculture
EAST:	None	Arkansas River and I-235
WEST:	LC and SF-5	Sand and gravel extraction

PUBLIC SERVICES:

The site has frontage on North West Street which, in this area, is a paved, two-lane, County arterial without sidewalks. Access to this site will be determined at the time of platting. Wichita Transit does not provide regular bus service to this location. Municipal water and sewer are available in the area, but will need to be extended throughout the site, at the applicant’s expense, as development occurs.

CONFORMANCE TO PLANS/POLICIES: The proposed rezoning to TF-3 Two-Family Residential District is in conformance with the *Community Investments Plan*.

Community Investments Plan: The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map, which outlines the preferred development pattern and land uses within the *Plan* area. The Map identifies the area in which the site is located to be primarily appropriate for “New Residential” development. These areas are likely to be developed with uses in the Residential category, which includes a variety of housing types, including duplexes as proposed by the applicant.

The *Community Investments Plan* provides Locational Guidelines to serve as a framework for land use decisions in the *Plan area*, and general guidelines suggest that higher-density residential uses and neighborhood-serving commercial uses should buffer lower-density residential uses from higher-intensity commercial or industrial uses. The proposed zone change to TF-3 Two-Family Residential District would permit uses that provide a transition in scale and intensity moving from the industrial uses north of the site, to the lower-density residential uses south of West 29th Street North.

RECOMMENDATION: Based on the information available at the time the staff report was prepared, it is recommended that the application be **APPROVED**.

This recommendation is based on the following findings:

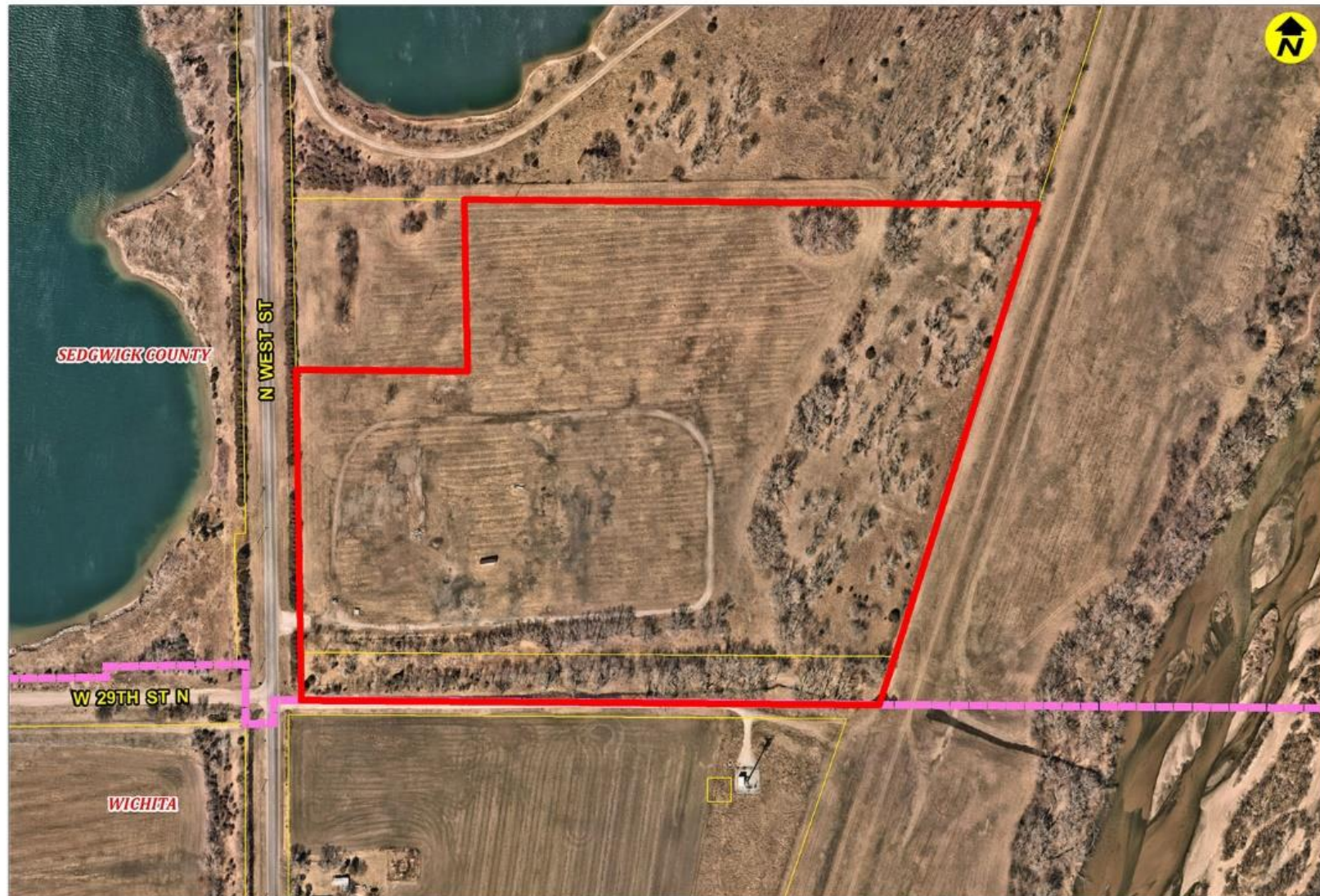
1. The zoning, uses, and character of the neighborhood: The subject area has historically been characterized by industrial uses and undeveloped land along the M.S. “Mitch” Mitchell Floodway; however, a number of residential subdivisions have recently been developed in this area south of West 29th Street North. Properties to the north and west of the subject site are developed with sand and gravel extraction operations and are zoned LI Limited Industrial District, and LC Limited Commercial District and SF-20 Single-Family Residential District. South of the subject site is property zoned LC Limited Commercial District and SF-5 Single-Family Residential District, and developed with a farmstead and a wireless telecommunications facility. Abutting the subject site to its east are the Floodway and 1-235 highway.
2. The suitability of the subject property for the uses to which it has been restricted: The application area is currently zoned LI Limited Industrial District and LC Limited Commercial District with CU-278 and CU-381. The property could be developed with commercial and industrial land uses, including Raw Material Extraction and Solid Waste Transfer Station, which are permitted by Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: A change of zoning to TF-3 Two-Family Residential District would allow all uses permitted in the TF-3 District on this site. Approval of the request should not detrimentally impact nearby property owners as TF-3 zoning permits uses of a lesser intensity than those permitted as it is currently zoned.
4. Length of time the property has remained vacant as currently zoned: In 1995, the property was rezoned to “E” Light Industrial with a Conditional Use to permit a Solid Waste Transfer Station. The property is no longer under common ownership with the extraction operations and has been vacant for some time.
5. Relative gain to the public health, safety, and welfare compared to the loss in value or hardship imposed on the applicant: Approval of the request represents a gain to the public in that it contributes to supporting residential development in the area. Denial of the request could represent a loss in the use and enjoyment of the applicant’s property.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request to rezone the property is in conformance with the Community Investments Plan as discussed in the staff report.
7. Impact of the proposed development on community facilities: The proposed residential development will require expansion of city water and sewer facilities. It will generate more traffic on North West Street and West 29th Street North. Any requirements regarding community facilities and improvements to the existing street network to accommodate this new development will be determined at the time of platting.

8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff had received one public comment in opposition of the requested zone change.

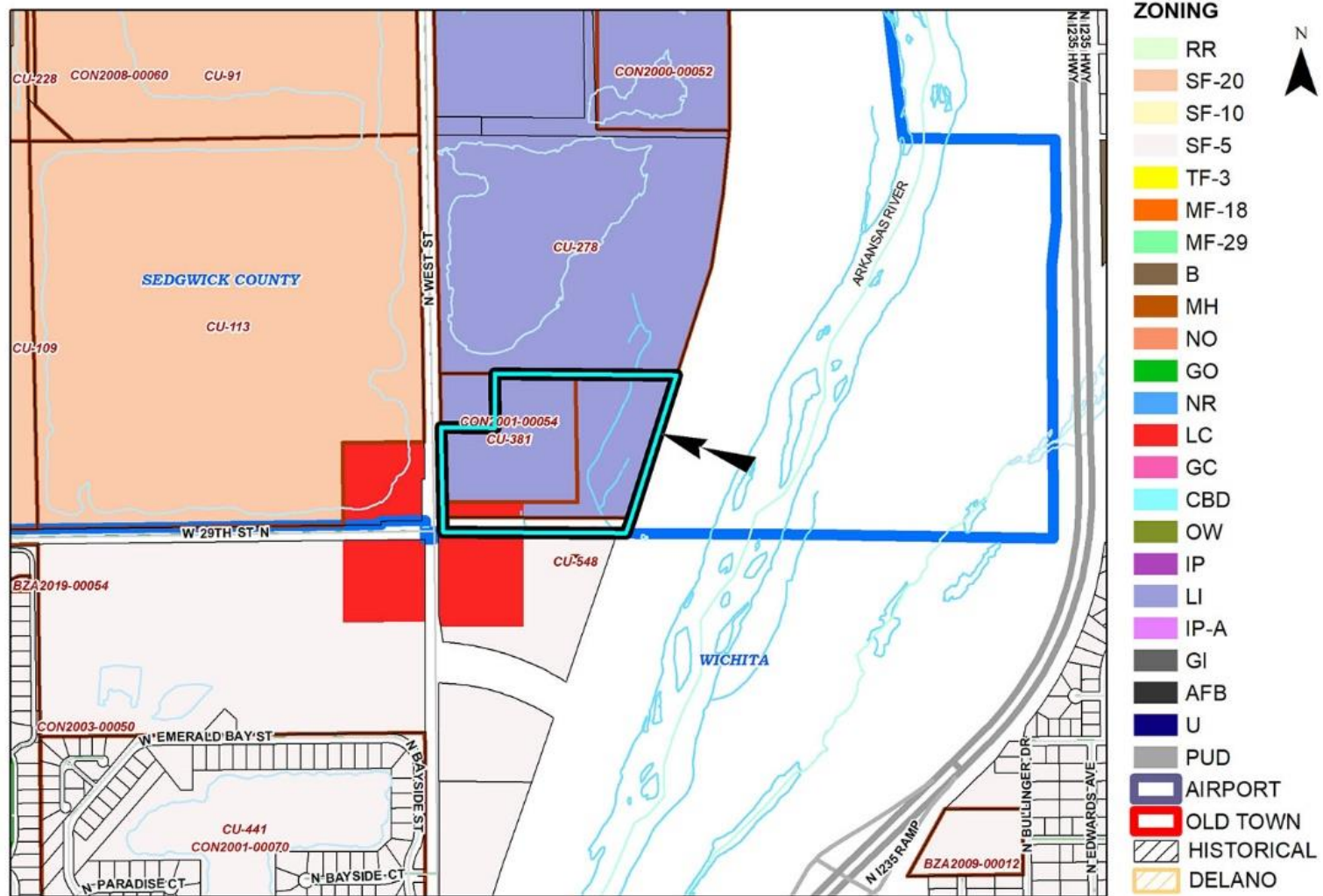
Staff Report Attachments:

1. Aerial Map
2. Zoning Map
3. Land Use Map
4. Photos

Attachment 1. Aerial Map



Attachment 2. Zoning Map



Attachment 3. Land Use Map



Attachment 4. Site Photos



The subject site.



North of the subject site.



North of the site continued.



West of the subject site.